

RECEIVED

JUN 21 2007

CITY OF SAN JOSE
DEVELOPMENT SERVICES

Date: June 19, 2007

From: Richard DeSmet
1377 Echo Valley Drive
San Jose, CA 95120

To: City of San Jose
Atten: Darryl Boyd
801 North First Street, Room 400
San Jose, CA 95110-1795

File No: GP06-02-04//SCH #2005062017 - CVSP DRAFT EIR

I have reviewed the Draft Environmental Impact Report for the Coyote Valley Specific Plan dated March 2007. I represent the ownership interests of nine parcels: three parcels (total of 29.05 acres) on the north side of Palm Avenue (APN 712-28-056, 712-28-058, 712-28-059) and four parcels (total of 50.65 acres) on the south side of Palm Avenue (APN 712-27-001, 712-27-002, 712-27-011, 712-27-012).

Summary of parcels on north side of Palm Avenue:

APN 712-28-056,	9.05 acres,	394,218 sq. ft.
APN 712-28-058,	10.00 acres,	435,600 sq. ft.
APN 712-28-059,	10.00 acres,	435,600 sq. ft.
Totals:	29.05 acres,	1,265,418 sq. ft.

Summary of parcels on south side of Palm Avenue:

712-27-001,	19.65 acres,	855,954 sq. ft.
712-27-002,	1.00 acre,	43,560 sq. ft.
712-27-011,	20.00 acres,	871,200 sq. ft.
712-27-012,	10 acres,	435,600 sq. ft.
Totals:	50.65 acres,	2,206,314 sq. ft.

Summary totals:	79.70 acres,	3,940,547 sq. ft.
-----------------	--------------	-------------------

Requests were made for oral and written comments on the CVSP Draft EIR. I offer written comments.

But first let me put the properties in context. The 29.05 acres on the north side has a proposed designation of low to medium density residential with part of the property to be used as a park site. Initially there was neighborhood concern over higher density because of existing development; but it is my understanding that these neighbors are now more comfortable with somewhat higher densities.

The EIR should look at compatibility of a park with higher density residential. In my experience parks are usually adjacent to residential of 3,500-10,000 sf lots. Rather than large lots, and since there are already 3,500 sf residential lots designated around the park, it seems appropriate to have smaller lots with higher density homes adjacent to the park. This also provides a neighborhood buffer to the park for built-in surveillance from the homes.

The larger land holdings are four parcels on the south side of Palm Avenue totaling 50.65 acres. The proposed plan placed this property in the greenbelt from the start. But as the plan has evolved, there are important CVSP features that have been integrated through the middle these parcels.

Diagrams and descriptions within the Draft EIR clearly indicate that there is an East-West Greenway, Peopleway, Waterway, and Wildlife Corridor, going directly through the middle of our properties. In the Draft EIR, Item J in Figure 2.0-4 "Transit and Trail Systems" the CVSP has designated Pedestrian, Bike, and Horse Trails through our property. How wide will this trail be? How will this trail be implemented? How will it be acquired? Item J is designated a "Wildlife Corridor" which goes directly through the middle of our property. According to the experts at the 6/18/2007 Task Force Meeting, the "Wildlife Corridor" must be 100' to 200' wide. How wide will this Wildlife Corridor be through our property? How will it be implemented? How will it be acquired?

In the Draft EIR, Figure 2.0-10 "Drainage and Flood Control System", Fisher Creek is extended directly through the middle of our property and ends with a large holding pond in the middle of our property at the east end of our property. The Draft EIR indicates that treated water from the CVSP development will be pumped into the Greenbelt for "agricultural irrigation and water recharge". Since there is a holding pond on our property, can we assume that this "water recharge" will take place on our property? How large will this holding pond be? Is the Water District acquiring the right of way for Fisher Creek and the water recharge area going through our property? What is the timing for this acquisition?

With a 100' to 200' Greenway Corridor for Pedestrian, Bike, Horse Trails, Wildlife, and Fisher Creek going directly through the middle of our properties, it is clear that our properties south of Palm Avenue are deeply integrated into the Coyote Valley Specific Plan and will have a direct impact on the value and useage of our property. How is this East-West Greenway, Trail, Waterway, and Wildlife Corridor through our property to be implemented? Is there a plan for acquisition? What is the timing of the acquisition?

This "mixed use" 100' to 200' East-West corridor, located through the middle of our property, appears to be a much more natural demarcation between urban uses to the north and rural to the south than Palm Avenue directly west of Monterey Road. Further, this East-West Greenway is intended to invite people and wildlife movement and is meandering with the consequence that the balance of the parcels (north of the Greenway) in question will have been cut-off by the Greenway Corridor. Based on the diagrams in the Draft EIR, it appears that approximately 20 acres of our 50.65 acres will

be used for the East-West Corridor. Have you determined the number of acres to be acquired for this Greenway Corridor? Therefore, because of the much smaller land area remaining, sustainable agricultural is not possible. For the property north of the Greenway, one acre lots make sense here which would allow those lots to contribute to the East-West Greenway Corridor.

This would allow a step down in densities from north to south.

Such alternative uses should be considered in the EIR.

In addition, the EIR should examine the alternative of whether agriculture is a realistic use for smaller 10-20 acre parcels which are isolated from the larger agricultural holdings in the greenbelt and which are directly across the street from higher density residential. The agriculture economic report by SAGE (Coyote Valley Specific Plan Greenbelt Research June 2005) commissioned by the City of San Jose indicates that agriculture is not viable in the Greenbelt and especially not on 10-20 acre isolated parcels. For example, pages 2 – 3 in the Executive Summary of the SAGE report states that the Greenbelt has the following implementation challenges:

- *Soils: remediation may be required.*
- *Hydrology: flood prone and high water table compromise agriculture use.*
- *Jurisdictional and regulatory framework: multiple jurisdictions complicate planning.*
- *Land use: over the past two decades many agricultural operations have ceased. A predominance of small parcels, a patchwork development pattern, presence of industrial land uses, and lack of buffering from non-farm residences, present additional challenges for agriculture.*
- *Strong objection from many property owners.*
- *Traditional agriculture is no longer viable due to rising costs, decreasing market prices, overseas competition, and loss of infrastructure, labor is hard to attract and sustain, regulatory barriers, and traffic constraints on moving farming equipment.*
- *Barrier to the entry of alternative agriculture: lack of affordable land and housing. Cumbersome regulatory process and regulatory barriers. Lack of profitability.*
- *Uncertainty and concern about development impacts not conducive to investment.*
- *Potential resource allocation conflicts.*
- *City and County have trouble collaborating.*

Sincerely,



Richard DeSmet